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Counsel for Plaintiffs and the Putative Class and Subclass

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE LINKEDIN USER PRIVACY
LITIGATION

Case No. 12-cv-03088-EJD

**PLAINTIFFS' NOTICE OF FILING
OF FIRST AMENDED
CONSOLIDATED CLASS ACTION
COMPLAINT**

[Hon. Edward J. Davila]

TO: See attached certificate of service.

PLEASE TAKE NOTICE THAT on November 26, 2012, Plaintiffs Katie Szpyrka and Khalilah Wright (collectively, "Plaintiffs") caused their *First Amended Consolidated Class Action Complaint* to be filed with the Clerk of the Court via the Court's CM/ECF filing system, and state as follows:

1 1. On July 16, 2012, Plaintiffs Katie Szpyrka, Candyce Paraggua, Scott Shepherd,
2 and Sam Veith moved this Court for an order consolidating their individual lawsuits into a single
3 action. (Dkt. No. 12.) Thereafter, on August 29, 2012, the Court granted Plaintiff's motion,
4 consolidated the above-referenced matters, and ordered Plaintiffs to file a consolidated class
5 action complaint. (Dkt. No. 40.) Plaintiffs Szpyrka and Shepherd filed their Consolidated Class
6 Action Complaint on September 19, 2012. (Dkt. No. 49.)

7 2. On November 5, 2012, Defendant LinkedIn Corporation ("Defendant") moved to
8 dismiss the Consolidated Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and
9 12(b)(6). (Dkt. No. 51.)

10 3. Plaintiffs thereafter filed the instant First Amended Consolidated Class Action
11 Complaint pursuant to Rule 15(a)(1)(B), which provides that a party may amend its pleading
12 once as a matter of course within twenty-one days after service of a motion under Rule 12(b).
13 *See In re Sunrise Sr. Living, Inc. Derivative Litig.*, 550 F. Supp. 2d 1, 4 (D.D.C. 2008)
14 (concluding "that the consolidation of separate complaints does not constitute an amendment of
15 the individually filed complaints," and that because "the defendants had not yet filed
16 responsive pleadings to the plaintiffs' initial consolidated complaint, the plaintiffs [were], as a
17 matter of right, entitled to amend their consolidated complaint."); *see also In re AMBAC Fin.*
18 *Group, Inc., Derivative Litig.*, No. 08 CIV 854(SHS), 2008 WL 5262428 (S.D.N.Y. Dec. 11,
19 2008) (same).

20 4. Plaintiffs' First Amended Consolidated Class Action Complaint was filed on
21 November 26, 2012—within twenty-one days of the filing of Defendant's Rule 12(b) motion to
22 dismiss—and thus complies with Rule 15(a)(1)(B).
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Respectfully submitted,

Dated: November 26, 2012

KATIE SZPYRKA and KHALILAH WRIGHT,
individually and on behalf of all others similarly
situated,

By: /s/ Ari J. Scharg

One of Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

I, Ari J. Scharg, an attorney, certify that on November 26, 2012, I served the above and foregoing ***Notice of Filing of First Amended Consolidated Class Action Complaint*** by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Ari J. Scharg